

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY SHRONE PERSON,

Plaintiff,

V.

RAMONA M. JONES, *et al.*,

Defendants.

Case No. 3:23-cv-05926-RAJ

ORDER

I. INTRODUCTION

THIS MATTER comes before the Court on Plaintiff Anthony Person's Motion for Reconsideration/Objection to Strike Due to Invited Error (Dkt. # 15), Memorandum to Court Exhibit (Dkt. # 16), Objection to Court Order Dismissing Plaintiff's Case (Dkt. # 17), and Motion for Full and Fair Investigation Pursuant to 603.02 Fed. Crim Procedure (Dkt. # 18). Having reviewed the pleadings, the record, and relevant law, the Court **DENIES** Plaintiff's Motions.

II. BACKGROUND

In August 2023, Plaintiff filed a complaint in the Western District of Michigan against his ex-wife Ramona Jones and several others alleging civil rights violations in

1 connection with his extradition from Michigan to Washington and his subsequent
2 conviction for sexual assault in Mason County Washington. Dkt. # 1 (Complaint). The
3 matter was soon transferred from the Western District of Michigan to this District, since
4 most of the alleged wrongful conduct occurred in Mason County and Plaintiff's
5 allegations appeared to be related to a federal habeas corpus action also pending in this
6 District. Dkt. # 8; *see also Anthony Shrone Person v. Melissa Andrewjski*, No. 3:23-cv-
7 5434 (W.D. Wash.). Plaintiff is currently serving a 23-year prison sentence at Coyote
8 Ridge Correctional Center for convictions for Child Rape in the First, Second, and Third
9 Degree and Child Molestation in Mason County Superior Court Case Number 20-1-
10 00147-23. *See* Dkt. # 11.

11 On November 17, 2023, this Court adopted the Report and Recommendation of
12 the Honorable Brian Tsuchida dismissing Plaintiff's complaint with prejudice and
13 considering the dismissal a strike under 28 U.S.C. § 1915(e)(2) and 28 U.S.C. § 1915(a)
14 and (b). Dkt. # 13, 14. Plaintiff then filed four motions: Motion for
15 Reconsideration/Objection to Strike Due to Invited Error (Dkt. # 15), Memorandum to
16 Court Exhibit (Dkt. # 16), Objection to Court Order Dismissing Plaintiff's Case (Dkt. #
17 17), and Motion for Full and Fair Investigation Pursuant to 603.02 Fed. Crim Procedure
18 (Dkt. # 18). Each motion, including the Motion for Reconsideration/Objection to Strike,
19 expresses similar opposition to the dismissal of his complaint, and as such, this Court will
20 construe these motions as requests for reconsideration.

21 **III. DISCUSSION**

22 Motions for reconsideration are governed by Local Rule 7(h), which provides the
23 following:

24 Motions for reconsideration are disfavored. The court will ordinarily deny such
25 motions in the absence of a showing of manifest error in the prior ruling or a
26 showing of new facts or legal authority which could not have been brought to its
27 attention earlier with reasonable diligence.

1 Local Rules W.D. Wash. LCR 7(h)(1). A motion for reconsideration must be filed within
2 fourteen days after the order to which it relates is filed. LCR 7(h)(2).

3 Plaintiff again challenges his Mason County criminal convictions in the pending
4 motions. Dkt. # 17, 18. However, because these convictions have not been reversed or
5 vacated, Plaintiff's due process challenge remains barred by *Heck v. Humphrey*, which
6 precludes § 1983 claims that would render a conviction or sentence invalid where the
7 conviction has not been reversed, expunged, or called into question by a writ of habeas
8 corpus. 512 U.S. 477, 487 (1994); *see also Smithart v. Towery*, 79 F.3d 951, 952 (9th Cir.
9 1996) (Plaintiff's § 1983 due process challenge to his arrest and charges barred by *Heck*).
10 Plaintiff's motions indicating that he seeks to pursue criminal, and not civil, charges
11 against Defendants is similarly subject to dismissal. *See* Dkt. # 15, 16. "The decision to
12 file criminal charges is solely within the authority of prosecutors." *Johnson v. U.S.*, 2014
13 WL 2621359, *5 (N.D. Cal. June 12, 2014); *Linda R.S. v. Richard D.*, 410 U.S. 614, 619
14 (1973) (a private citizen lacks a judicially cognizable interest in the prosecution of
15 another); *Protect the Peninsula's Future v. City of Port Angeles*, 175 Wash. App. 201,
16 213-14 (2013) ("the power to prosecute criminal acts is vested in public prosecutors"). In
17 each motion, Plaintiff fails to present new facts or legal authority compelling a different
18 result than dismissal with prejudice. Plaintiff's motions for reconsideration are therefore
19 **DENIED.**

1 **IV. CONCLUSION**

2 Plaintiff has failed to demonstrate manifest error in the Court's prior ruling or new
3 facts or legal authority which could not have been brought to the Court's attention earlier
4 with reasonable diligence. Therefore, the Court **DENIES** Plaintiff's Motion for
5 Reconsideration/Objection to Strike Due to Invited Error (Dkt. # 15), Memorandum to
6 Court Exhibit (Dkt. # 16), Objection to Court Order Dismissing Plaintiff's Case (Dkt. #
7 17), and Motion for Full and Fair Investigation Pursuant to 603.02 Fed. Crim Procedure
8 (Dkt. # 18).

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10 DATED this 29th day of February, 2024.

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14 The Honorable Richard A. Jones
15 United States District Judge
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